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General Assembly

Sixty-fifth session

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100th plenary meeting
Friday, 17 June 2011, 3 p.m.
New York

President: Mr. Deiss ..... (Switzerland)

The meeting was called to order at 3.05 p.m.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

The President: Before proceeding, I wish to inform members that the Assembly will first take up sub-item (a) of agenda item 23, in order to transmit its decision urgently to the United Nations Development Programme Board.

I invite the attention of the General Assembly to document A/65/L.75, circulated under sub-item (a) of agenda item 23, "Fourth United Nations Conference on the Least Developed Countries". Members will recall that the Assembly concluded its consideration of this sub-item at its 69th plenary meeting, on 20 December 2010. It will therefore be necessary to reopen consideration of sub-item (a) of agenda item 23.

May I take it that it is the wish of the General Assembly to reopen consideration of sub-item (a) of agenda item 23?

It was so decided.

The President: Members will also recall that at its 2nd plenary meeting, on 17 September 2010, the General Assembly decided to allocate agenda item 23 and its sub-items to the Second Committee. In order for the Assembly to take action expeditiously on the draft resolution, may I take it that the Assembly wishes to consider sub-item (a) of agenda item 23 directly in plenary meeting, and to proceed immediately to its consideration?

It was so decided.

Agenda item 23 (*continued*)

Groups of countries in special situations

(a) Fourth United Nations Conference on the Least Developed Countries

Draft resolution (A/65/L.75)

The President: I give the floor to the representative of Argentina, speaking on behalf of the Group of 77 and China, to introduce draft resolution A/65/L.75.

Mr. Suárez Salvia (Argentina): I have the honour to introduce, on behalf of the Group of 77 (G-77) and China, the draft resolution on the Programme of Action for the Least Developed Countries for the Decade 2011-2020, contained in document A/65/L.75, under agenda item 23 (a).

The Group would like to express its profound gratitude to the Government and people of the Republic of Turkey for hosting the Fourth United Nations Conference on the Least Developed Countries in Istanbul from 9 to 13 May 2011, and for providing all the support necessary to the meeting's successful conclusion.

The G-77 would very much appreciate the General Assembly's endorsement of the Istanbul Declaration (A/CONF.219/L.1) and the Programme of

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Action for the Least Developed Countries for the Decade 2011-2020 (A/CONF.219/3), adopted by the Fourth United Nations Conference on the Least Developed Countries with the goal of reducing poverty and promoting growth and sustainable development.

We would also like to call on all the relevant stakeholders to commit to implementing the Programme of Action. It is particularly important to highlight the crucial role of developed countries as development partners in implementing the Istanbul Programme, investing in physical and human capital. We also call on the United Nations system, including the Bretton Woods and other multilateral institutions and regional development banks, to support the least developed countries (LDCs) in these efforts.

We must bear in mind that the success of the new Programme of Action is greatly dependent on the LDCs' taking ownership and a leadership role in making and effectively implementing the relevant policy choices, each according to its own conditions and requirements, with the enhanced, predictable, definite and targeted support of their development partners.

Guided by the principle of common but differentiated responsibilities of developing and developed countries, and by the spirit of solidarity, we, as developing countries, feel proud to be able to support this Programme of Action through South-South cooperation. In that context, we would like to highlight the united efforts of developing countries to support one another, despite their own social and economic difficulties.

The Group reiterates once more its strong support for the LDCs and hopes that the Istanbul Programme of Action will usher in a strengthened partnership aimed at overcoming the multiple development challenges faced by LDCs, and at supporting them in eradicating poverty and becoming beneficially integrated into the global economy. For those reasons the G-77 and China hope that this draft resolution will be adopted at this meeting.

The President: In connection with draft resolution A/65/L.75, I give the floor to the representative of the Secretariat.

Mr. Botnaru (Department of General Assembly and Conference Management): In connection with draft resolution A/65/L.75, entitled "Programme of Action for the Least Developed Countries for the Decade 2011-2020", I wish to put on record the following statement of financial implications on behalf of the Secretary-General, in accordance with rule 153 of the rules of procedure of the General Assembly.

Under the terms of paragraph 2 of draft resolution A/65/L.75, the General Assembly would

> "Endorse ... the Istanbul Declaration and the Programme of Action for the Least Developed Countries for the Decade 2011-2020 adopted by the Fourth United Nations Conference on the Least Developed Countries, and call ... upon all the relevant stakeholders to commit to implementing the Programme of Action."

The General Assembly, in paragraph 20 of resolution 65/171, requested that the Secretary-General submit to the Assembly at its sixty-sixth session a report on the outcome of the Fourth United Nations Conference on the Least Developed Countries, which was held in Istanbul from 9 to 13 May 2011.

The financial implications arising from the activities required to facilitate the implementation of the Istanbul Programme of Action will be determined at the time of consideration of the report of the Secretary-General by the General Assembly. At present, the scope and modalities of the activities to facilitate the Istanbul Programme of Action are still under consideration. It is therefore not possible at the present time to estimate the full potential financial implications. The Secretary-General would submit such requirements, if any, in accordance with established procedures at the time of consideration of the report of the Secretary-General by the General Assembly.

The President: We shall now take action on draft resolution A/65/L.75, entitled "Programme of Action for the Least Developed Countries for the Decade 2011-2020".

May I take it that the Assembly wishes to adopt draft resolution A/65/L.75?

Draft resolution A/65/L.75 was adopted (resolution 65/280).

The President: Before giving the floor to speakers in explanation of vote, I would like to remind delegations that explanations of vote are limited to 10

minutes and should be made by delegations from their seats.

Mr. Bairagi (Nepal): I speak on behalf of the least developed countries (LDCs). We thank you, Mr. President, for convening this important meeting and for your dynamic leadership.

The unanimous endorsement by the Assembly of the Istanbul Declaration (A/CONF.219/L.1) and Programme of Action for the Least Developed Countries for the Decade 2011-2020 (A/CONF.219/3) adopted by the Fourth United Nations Conference on the Least Developed Countries, held in Istanbul from 9 to 13 May, is an important achievement for the international community. The Assembly's decision represents the collective commitment on the part of all Members of the United Nations to give priority to the development issues of LDCs through full and effective implementation of the Istanbul Programme of Action. The least developed countries welcome this as a genuine gesture of international solidarity and support for their special development needs and challenges.

The overarching goal of the new Programme of Action is to overcome the structural challenges that LDCs face in order to enable them to eradicate poverty, achieve internationally agreed development goals and graduate from the least-developed-country category. The Programme of Action is based on commitments, accountability and partnerships between the least developed countries and their development partners aimed at taking concrete measures in a number of interrelated areas.

The most important task ahead of us is the full and timely implementation of the Programme of Action in a spirit of renewed global partnership, with a view to bringing about visible and qualitative change in the living standards of millions living in dehumanizing conditions of poverty and hunger.

We sincerely thank all the development partners helping us in our development efforts, and we look forward to receiving an enhanced flow of resources in order to address our multiple development challenges. We also thank them for their commitments and support as expressed in the Istanbul Programme of Action.

We thank all the Members of the United Nations for their continued solidarity with, and support for, LDCs. In that context, the least developed countries recognize the valuable support extended by the Group of 77 and China throughout the negotiations on the Programme of Action.

We sincerely thank the people and Government of Turkey for hosting the Fourth United Nations Conference on the Least Developed Countries and for its successful outcome. We thank the Secretary-General for mobilizing the United Nations system in support, and the Under-Secretary-General in charge of the Conference, His Excellency Mr. Cheick Sidi Diarra, and his team in various other areas, for their dedication, commitment and support, which led to the Conference's successful outcome. We also thank all the relevant agencies of the United Nations system, which were deeply engaged in the preparatory process as well as in the conference.

Mr. Çorman (Turkey): On behalf of the host country of the Fourth United Nations Conference on the Least Developed Countries, I would like to extend our sincere thanks to all Member States for the adoption of resolution 65/280 by consensus.

I take this opportunity also to extend our sincere thanks to you, Mr. President; the Secretary-General, His Excellency Ban Ki-moon; the staff of the Secretariat; and the Under-Secretary-General and High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, His Excellency Mr. Cheick Sidi Diarra; and his team for their dedication and hard work in making this conference a success. The vision and leadership of the United Nations were critical in this regard.

The Istanbul Declaration (A/CONF.219/L.1) and Programme of Action (A/CONF.219/3) will guide international development cooperation efforts in the next decade for the least developed countries.

We would like to thank all Member States that played an active part in the negotiations for their tireless and determined efforts to reach consensus on a strong, comprehensive and ambitious outcome. Parliaments, the private sector and civil society also contributed greatly to our work on the intergovernmental track. Our thanks also go to Ambassador Acharya as the Chair of the Group of Least Developed Countries, Ambassador Viinanen of Finland for his able leadership as chair of the intergovernmental preparatory process, and Ambassador Bame of Ethiopia.

The effective follow-up and monitoring of the Istanbul Programme of Action will be crucial to its successful implementation. Turkey is committed to supporting this process. We will contribute to the implementation of the Istanbul Programme of Action through our development assistance process for the least developed countries and will allocate the sum of $5 million for the monitoring of its implementation. We are also ready to host the mid-term review conference of the Programme of Action in Istanbul.

Turkey will continue to fully support the renewed, strengthened global partnership for the development of the least developed countries. We will continue to work with the United Nations system, the least developed countries and all development partners to carry this process forward.

The President: We have heard the last speaker in explanation of vote.

May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (a) of agenda item 23?

It was so decided.

Agenda items 13 and 115 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Draft resolution (A/65/L.78*)

The President: Members will recall that the General Assembly held a debate on agenda item 13 jointly with agenda items 115 and 120, "Strengthening of the United Nations system", at the 52nd plenary meeting on 23 November 2010. Members will also recall that, under agenda items 13 and 115, the Assembly adopted resolution 65/7 at its 41st plenary meeting on 29 October 2010.

On the basis of the mandate given to us by the Assembly, the co-facilitators have engaged in a very intensive and inclusive process of formal and informal consultations, which culminated in the draft resolution (A/65/L.78*) I am presenting to the Assembly today for adoption.

Today's meeting is the conclusion of a coordinated process between Geneva and New York. Once the Human Rights Council adopted its outcome without a vote on 25 March, the process here in New York gained traction. From the beginning, my aim was to replicate the consensus achieved in Geneva and to do my utmost to bring together different views and sensitivities.

In this regard, I would like to express my appreciation to my two co-facilitators and colleagues, Ambassador Mohammed Loulichki of Morocco and Ambassador Christian Wenaweser of Liechtenstein, who shared this goal and chaired the process with skill and commitment. With a lot of patience and creativity, they explored every possible option to accommodate the different aspirations and concerns, and I am very grateful to them for their enormous effort throughout the process.

My appreciation and gratitude also go to Ambassador Sihasak Phuangketkeow of Thailand, President of the Human Rights Council, whose leadership in steering the process to a successful conclusion in Geneva and in coordinating the efforts of the Council with our process was exemplary. Since Ambassador Phuangketkeow is ending his tenure as President of the Human Rights Council on Monday, I would at this point in time also like to congratulate him on the impressive achievements he secured throughout his presidency.

Last but not least, I would like to thank all the delegations that were actively engaged throughout the process of the review and showed a great deal of flexibility and cooperation. I am aware that some representatives have played a particularly active role in support of the process, including up until today at noon, and I would like to thank them also very much for their efforts, which I appreciate greatly.

We have now reached a decisive moment. I am encouraged by the very broad support that has emerged during the past few days for the draft text before the Assembly. I strongly believe that this text is as close as possible to a broad consensus. I am fully aware that some members would have liked a more ambitious outcome, while others would have wished for a purely procedural draft resolution. No Member State got everything it argued for. For many delegations, adopting the draft resolution today also means

compromising on issues they have felt and still feel strongly about.

While the draft resolution clearly reaffirms resolution 60/251, adopted in 2006 by this Assembly, it contains a number of technical improvements that members felt was necessary on the basis of the practical experience we have gained over the five years of the Human Rights Council's existence.

The draft resolution proposes to align the cycle of the membership of the Council with the calendar year. It recognizes the role of the President of the Human Rights Council. It institutionalizes the ad hoc arrangement on the allocation of the report of the Council to both the plenary and the Third Committee, and it recognizes the need to provide adequate financing to fund unforeseen and extraordinary expenses arising from resolutions adopted by the Human Rights Council. Furthermore, through this draft resolution, we would adopt the Geneva outcome of the review.

The technical nature of the improvements underlines the fact that the great majority of Member States perceives the Human Rights Council as a strong and largely well-functioning organ, and that a major institutional overhaul was neither required nor desirable at this stage.

When taking their decision on whether or not they want to adopt this text, I urge representatives to look at the text for what it is. The review of the Human Rights Council is an ongoing process. The Council will keep improving its own work and functioning over the coming years, while the General Assembly will conduct another review of the status in 10 to 15 years.

Today is an opportunity to send a strong signal of support to the Human Rights Council and to underline our shared commitment to human rights as one of the three main pillars of the Organization. I regret that a recorded vote has been requested on the draft resolution. This text is an honest attempt to reach common ground, and I call on all Member States to support the text as it is.

In connection with draft resolution A/65/L.78*, I give the floor to the representative of the Secretariat.

Mr. Botnaru (Department for General Assembly and Conference Management): In connection with draft resolution A/65/L.78*, entitled "Review of the Human Rights Council", I wish to put on record the following statement on financial implications on behalf of the Secretary-General, in accordance with rule 153 of the rules of procedure of the General Assembly.

Under the terms of paragraphs 7, 8, 9 and 10 of the draft resolution, the General Assembly would decide that the annual report of the Human Rights Council shall cover the period from 1 October to 30 September, including its regular September session; decide to consider through its Fifth Committee all financial implications emanating from the resolutions and decisions contained in the annual report, including those emanating from its September session; recognize the need to provide adequate financing to fund unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council and, in this regard, request the Secretary-General to present a report with options for consideration by the Fifth Committee at the main part of the sixty-sixth session of the General Assembly, taking into account the relevant conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions; and adopt the text entitled "Outcome of the Review of the work and functioning of the Human Rights Council" annexed to the present draft resolution.

The Secretariat has reviewed the terms of draft resolution A/65/L.78* and wishes to inform the General Assembly that it submitted a number of oral statements of programme budget implications to the Human Rights Council, in accordance with rule 153 of the rules of procedure of the General Assembly, during its sixteenth and seventeenth sessions on the question of the review of the work and functioning of the Human Rights Council.

The Secretariat has informed the Human Rights Council on the programme budget implications of its draft resolution A/HRC/17/L.7/Rev.1 on the establishment of the Office of the President of the Human Rights Council. The Council has also been informed orally of the programme budget implications of paragraph 11 of the annex to draft resolution A/65/L.78* on the extension of the duration of the consideration of each country by the working Group on the Universal Periodic Review, since there was insufficient time to finalize and circulate an oral statement on the financial implications to the Council when the decision was adopted.

With respect to paragraph 8 of draft resolution A/65/L.78*, the attention of the General Assembly is drawn to the concern regarding the timely preparation of the Secretary-General's annual report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council if it is to include the resolutions and decisions of the Human Rights Council September session. The terms of the draft resolution imply a change, as the report would have to be processed within a shorter time frame if it were to be submitted to the sixty-sixth session and in the future, as compared with current practice, and could result in the Secretariat not meeting the required six-week rule for the issuance of reports to the Member States. This issue is brought to the attention of the General Assembly in line with its resolutions 33/56 and 49/221.

The attention of the General Assembly is also drawn top the fact that the Advisory Committee on Administrative and Budgetary Questions is currently reviewing the Secretary-General's proposals for the programme budget for the biennium 2012-2013 and the total additional resource requirements that would arise from the adoption of draft resolution A/65/L.78*, which may impact the level of resources that would be required under the proposed programme budget for the biennium 2012-2013.

The Secretariat will be able to make a determination only at the time of the preparation of the Secretary-General's annual report to the General Assembly on the revised estimates report resulting from resolutions and decisions adopted by the Council in 2011 on the extent of additional resources it should seek in order to implement the mandates of the Human Rights Council that give rise to additional requirements in 2011 and that cannot be met from available resources under the programme budget for the biennium 2010-2011 or the resources proposed under the proposed programme budget for the biennium 2012-2013. The report to the sixty-sixth session of the General Assembly is intended to cover decisions taken at the sixteenth and seventeenth sessions of the Council and possibly its special sessions held in 2011.

With regard to operative paragraph 9, the Assembly is hereby informed that, as indicated in paragraph 24.15 of the 2012-2013 proposed programme budget (A/66/6 (Sect. 24)), the issue will be addressed in a report to be submitted to the main part of the sixty-sixth session of the General Assembly with regard to the question of providing adequate financing to fund unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council.

Should the General Assembly adopt draft resolution A/65/L.78*, additional resources expected to arise, over and above those approved at the main part of the sixty-fifth session, will be reported to the General Assembly in several reports mentioned previously, namely, first, the annual report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council to be reported to the sixty-sixth session of the General Assembly, in accordance with established procedures on the requirements for the programme budget for the biennium 2010-2011 and the proposed programme budget for the biennium 2012-2013; and secondly, a report to be submitted for consideration by the Fifth Committee in the main part of the sixty-sixth session of the General Assembly on the question of provision of adequate financing to fund unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council.

The President: The Assembly will now take action on draft resolution A/65/L.78*, entitled "Review of the Human Rights Council". A recorded vote has been requested.

I call on the representative of the Syrian Arab Republic on a point of order.

Mr. Ja'afari (Syrian Arab Republic): Mr. President, I heard you say that a delegation asked to put the whole process to the vote. Would you please say publicly which delegation asked to put the whole process to a vote?

The President: The vote has been requested by the delegation of Israel.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Chad, Chile, China, Colombia, Comoros, Costa Rica, Croatia, Cuba,

Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Turkey, Turkmenistan, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Canada, Israel, Palau, United States of America

Draft resolution A/65/L.78 was adopted by 154 votes to 4 (resolution 65/281).*

The President: Before giving the floor to speakers in explanation of vote on the resolution just adopted, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Waxman (Israel): The Human Rights Council was created five years ago, replacing the notorious Commission on Human Rights. Former Secretary-General Kofi Annan said at the time that

> "the Commission's capacity to perform its tasks has been increasingly undermined by its declining credibility and professionalism ... which casts a shadow on the reputation of the United Nations system as a whole" (*A/59/2005, para. 182*).

Israel was involved in the negotiations five years ago that strove to create a viable, professional and responsible Human Rights Council – a body that would renew public confidence and earn the legitimacy and credibility that had been lost by its predecessor. Unfortunately, five years down the road, the Human Rights Council still suffers from substantial shortcomings, much like the Commission on Human Rights.

Resolution 60/251, the founding resolution of the Human Rights Council, states clearly in paragraph 4 that "the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity". Creating, as part of the institution-building package of the Human Rights Council, one agenda item that addresses human rights situations throughout the world and a separate agenda item targeting Israel alone does anything but fulfil the principle of the founding resolution of the Council.

With profound regret, we witness the continued distortion of the United Nations ideals in the Organization's central body for human rights. Like any other country in this Hall, Israel should be subject to review and criticism on a fair and impartial basis. However, time and again, instead of equality, universality and non-selectivity, we find discrimination, exclusion and institutional bias. That should come as no surprise, considering that some of the world's worst human rights violators sit on the Council and all too often dictate its proceedings.

When the review process of the Human Rights Council began in Geneva a year ago, we approached this exercise with an open mind, in the hope that the Council would take the opportunity for self-reflection and in good faith accept that it is has failed to adhere to its mandate under resolution 60/251. Regrettably, the Council refused to remove item 7 from its permanent agenda. The Geneva outcome of the review continues to perpetuate the inherent flaws created in the institution-building package of the Council.

When the process continued in New York, we expressed our hope that the appropriate way would be found here in the General Assembly to rectify the continued discrimination against Israel in the Human Rights Council. Sadly, that has not been the case. Furthermore, during the New York part of the review,

Israel repeatedly advocated in favour of the promotion and better implementation of paragraphs 8 and 9 of resolution 60/251. We truly believe that members elected to the Council should uphold the highest standard in the promotion and protection of human rights in every corner of the world.

Sadly, the outcome before us does not reflect any change in this regard. Agenda item 7 targets Israel alone, casting a dark shadow on the United Nations system as a whole. Therefore, Israel was regrettably compelled to call for a vote on this resolution and voted against it.

Before concluding, however, I would like to extend our appreciation to the co-facilitators for their professional work during the course of the New York chapter of the Human Rights Council review process. The co-facilitators acted with integrity and genuine will to conduct a transparent and inclusive process. We regret that the end result did not enable us to vote in favour of the final outcome.

Mr. Kim Soo Gwon (Republic of Korea): Today, my delegation voted in favour of resolution 65/281, as we believe that, since the beginning of the negotiations, we have been working hard to make the Human Rights Council more relevant, credible and effective in responding to various human rights issues around the globe. However, we are concerned that some important issues, which we believe to be very relevant to the review of the status of the Human Rights Council, have not been duly reflected in the final outcome. Those issues include constructive proposals to better operationalize paragraphs 8 and 9 of resolution 60/251. The omission of the proposals does not mean that they are unimportant.

In addition, we believe that these discussions have been significant in that they have raised awareness of the importance of this matter. My delegation would like to take this opportunity to express its appreciation for the effort, patience and leadership of the two co-facilitators.

Mr. Abdelaziz (Egypt): Egypt aligns its statement with those to be delivered on behalf of the Group of African States, the Organization of the Islamic Conference and the Arab Group.

At this time, we welcome the adoption of resolution 65/281 by a large majority. However, Egypt regrets that the General Assembly was forced to vote on this important resolution and that the call for its adoption by consensus was not heeded by some Member States, which continue to politicize the Human Rights Council and its work in order to achieve narrow national political gains, even though some of them did not even engage in any way during the long and arduous negotiation process in Geneva and New York.

Although the resolution we have just adopted does not fully reflect my delegation's proposed amendment, Egypt voted in favour, as the text represents a delicate compromise in which all Member States and negotiating groups made concessions while pursuing a consensus that would reflect the unity of the international community. We regret the fact that this unity was broken yet again by those few who persist in criticizing the Human Rights Council, five years after they more or less broke consensus on its establishment in 2006.

Egypt's positive vote reaffirms our full support for the Human Rights Council and rests on our conviction that, as a responsible Member State, we must render the needed support to the Council as it carries out its work in accordance with its mandate, as defined in resolution 60/251.

As one of the subsidiary organs of the General Assembly, the Human Rights Council has taken several steps to improve its functioning and work, in particular through the adoption of its institution-building package in its resolutions 5/1 and 5/2. Those resolutions were endorsed by the General Assembly in resolution 62/219, and should have been reaffirmed in the first paragraph of today's resolution.

The establishing resolution and the institution-building package resolution are together part and parcel of the foundation upon which the Human Rights Council depends and operates. The lack of reference to resolution 62/219 in the operative part of resolution 65/281 should not be construed as diminishing its importance to the efficient functioning of the Human Rights Council.

Regarding the annual report of the Human Rights Council, Egypt reaffirms that the Council, as a subsidiary organ, should not be accorded any preferential treatment as compared with any other subsidiary organ of the General Assembly, and that, in accordance with the rules of procedure, the Council's annual report shall be dealt with in the Third

Committee — the Main Committee of the General Assembly in charge of all human rights issues.

Egypt's understanding of paragraphs 8 and 9 of resolution 65/281 is that the financial implications arising from all resolutions and decisions of the Council, including any unforeseen expenses, are to be considered by the Fifth Committee, in accordance with the rules of procedure and taking into account General Assembly resolution 63/263.

Finally, Egypt reiterates its position that the report of the Human Rights Council entitled "Outcome of the review of the work and functioning of the Human Rights Council" (resolution 65/281, annex) should have been endorsed by the General Assembly. The adoption of that important document, as stipulated in paragraph 10 of resolution 65/281, sends a weaker signal of support and appreciation for the work done by our delegations in Geneva. It wrongly indicates that the General Assembly is not fully supportive of the Council, particularly in view of the fact that the resolution was adopted by a vote, which thereby entrenched that erroneous assumption.

Mr. Rodríguez (Peru) (*spoke in Spanish*): At the outset, I would like to thank the Permanent Representatives of Liechtenstein and Morocco for their leadership, tireless work and dedication in co-facilitating the important review process that culminated in the adoption of resolution 65/281. Peru associates itself with the statement to be delivered by the Permanent Representative of the Maldives on behalf of the cross-regional group, of which it is a member.

Peru's vote in favour of the resolution reflects the importance my country attaches to the review process, the objective of which is to improve the functioning of the Human Rights Council in its key role as a major body of the United Nations responsible for promoting respect for and protection of the human rights and fundamental freedoms of all people.

My delegation's participation in and dedication to the review process is also emblematic of Peru's ongoing commitment to working constructively and always towards building consensus within the Organization. Nevertheless, I must point out that Peru would have preferred that the resolution adopted today contain elements that would enhance the Council's central role in promoting and protecting human rights. In that regard, we hope that the provisions of paragraph 9 will ensure sufficient funding for the Council, in particular for unforeseen and extraordinary circumstances arising from any urgent decisions and resolutions it may adopt.

In regard to paragraph 6, we believe that the interactive dialogue between the President of the Human Rights Council and experts of the Third Committee will serve to bolster the relationship between the two entities. At the same time, however, we should affirm that the Human Rights Council is a subsidiary body of the General Assembly, as expressly stated in paragraph 3 of the resolution we have just adopted.

Peru will continue to support any process aimed at enhancing the work and functioning of the Human Rights Council in its important work of defending the human rights for all without distinction.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): I am honoured to speak today on behalf of the members of the Group of Arab States.

At the outset, and on behalf of the Arab Group, I am pleased to extend our warmest thanks to the two co-facilitators, Ambassador Mohammed Loulichki of Morocco and Ambassador Christian Wenaweser of Liechtenstein, for their strenuous efforts over the course of the past few months in facilitating the negotiations, as well as for their ongoing attempts until today to create common ground on which we could form consensus. These efforts were crowned by the adoption of the text before us today.

In this connection, the Arab Group welcomes the adoption of resolution 65/281, entitled "Review of the Human Rights Council". The Group emphasizes its full support for the functioning of the Council. Time and again, the Group has expressed its resolve to cooperate fruitfully and constructively with the Council to facilitate its addressing of human rights issues without distinction, independent of any political agenda and unaffected by selectivity or confrontation.

If all of us agree on the interdependence of human rights, by the same token we must all ensure that the international community deals with human rights issues comprehensively, fairly, equally and without distinction, and independent of politicization and double standards.

The Arab Group voted in favour of the resolution based on its full belief in the fundamental importance

of the review of the Human Rights Council, in accordance with our mandate to review its status and improve its working methods. Since the start of the review process, the Arab Group has been involved transparently and constructively in the negotiations and expressed its full and serious support for a consensual final document. It is our deep conviction that today's work is another step towards improving the Council's work.

The Arab Group has always valued consensus as part of the process, as it is important to all of us. That requires all parties to make equal concessions and avoid controversial issues that could create useless confrontation among members. In that regard, the Group regrets the break in the consensus by the same members that voted against the Council's establishment more than five years ago in Geneva, despite the numerous concessions made by the Arab and other groups which enabled us to achieve a text that meets our minimum expectations. However, we regret that the resolution does not incorporate numerous fundamental concerns.

The Arab Group endorsed and supported the outcome document of the review of the work and functioning of the Human Right Council, which was adopted by consensus in Geneva. In view of the fact that paragraph 10 of the resolution does not explicitly contain the word "endorse", the Arab Group considers that it does not convey the positive message needed by the Council or reflect the General Assembly's appreciation of the efforts made by the President of the Council and its two co-facilitators in Geneva.

The outcome document reflects the successful implementation of the mechanism agreed in paragraph 16 of resolution 60/251 to "review its work and functioning five years after its establishment and report to the General Assembly". This in no way implies an adverse effect on the Council's institutional structure. The main objective was to review the Council's performance and functioning with a view to improving its work. But that does not include reform, because, like other members of the international community, we believe that the Human Rights Council in itself represents a reformed Commission on Human Rights.

In addition, the concerns of the Arab Group remain the same regarding the need for Member States to adopt or endorse the recommendations, decisions and resolutions of the Human Rights Council unanimously, while avoiding politicization of the work of the Council, as well as those of the Third Committee, which is the main body tasked by the General Assembly to consider and make recommendations on all matters relating to human rights.

In conclusion, the Arab Group firmly believes in the importance of the resolution adopted by the Assembly today. We are confident that the text will contribute to the effective functioning of the Human Rights Council and to the sustainable promotion of the noble objectives for which it was created and the entrenched principles of impartiality, objectivity and mutual respect. Those members that voted against the resolution are to be held responsible for their individual deviation from the consensus of the international unanimity.

Mr. Khazaee (Islamic Republic of Iran): Let me join others in expressing my appreciation to the two co-facilitators, the Ambassadors of Morocco and Liechtenstein, for their strenuous efforts to build consensus among various positions and trends during the review process in a transparent, balanced and all-inclusive manner. In my view, today's outcome is the result of full dedication, which would not have been possible without the professionalism and diplomatic skills of the two co-facilitators. We all should respect their collective work and wisdom in this regard.

My delegation would also like to align itself with the statements of the cross-regional group and the Organization of the Islamic Conference, which will be delivered later on in this regard.

My delegation voted in favour of resolution 65/281, entitled "Review of the Human Rights Council", although it does not reflect all of our priorities and concerns. For the sake of consensus, we supported the resolution because we believe that the Human Rights Council, its work and procedures should be a forum for dialogue, understanding and cooperation to achieve the universal realization of human rights.

The Human Rights Council is the focal point for hope and participation on which all can rely in addressing global human rights challenges. In this regard, the principles of non-selectivity, non-politicization, the absence of double standards, impartiality and objectivity should be respected by all. We also regret that a few countries tried to disrupt the integrity and objectivity of the resolution.

Ms. Li Xiaomei (China) (*spoke in Chinese*): The Chinese delegation supports the statement to be made by the Russian representative on behalf of the cross-regional group.

China maintains the view that the United Nations should make parallel efforts to strengthen and promote human rights and to encourage countries to choose their own paths in the promotion and protection of human rights in light of their relevant national conditions. The Chinese Government has always championed international cooperation in the field of human rights and has supported the settlement of human rights disputes through dialogue and cooperation based on equality and mutual respect. We oppose politicizing human rights issues or exercising a double standard.

The Human Rights Council was established in order to improve United Nations mechanisms for protecting human rights and to eliminate the chronic politicization and double standards of the Council's predecessor, the Human Rights Commission. Since the Council's establishment, five years ago, it has generally operated smoothly and played a positive role in promoting and protecting human rights. China is of the view that the Council's current status, composition and institutional arrangements can meet the requirements of its mandate. The most urgently needed improvement continues to be the elimination of politicization and a double standard.

It is regrettable that the resolution on the Council's review (resolution 65/281) fails to reflect the consensus on this issue expressed by many developing countries, including China. Nevertheless, China believes that the resolution does to some extent reflect the consensus and demonstrates the political wisdom of all parties. China supports its adoption by the Assembly. We would like to express our appreciation for the outstanding leadership demonstrated by the President of the General Assembly and the two coordinators, namely, the Permanent Representatives of Morocco and Liechtenstein.

China views the completion of the Human Rights Council review as an opportunity to work together with all parties to push for the Council to adhere to the purposes and principles of the Charter of the United Nations and to perform its duties in an objective, impartial and non-selective manner in order to contribute to international human rights endeavours.

Mr. Seger (Switzerland) (*spoke in French*): Since I am speaking on behalf of Iceland, New Zealand and Norway as well as my own delegation, I will speak in English.

(*spoke in English*)

Iceland, New Zealand, Norway and Switzerland would like to thank the co-facilitators, the Permanent Representatives of Liechtenstein and Morocco, as well as their staff, for their dedicated efforts to achieve consensus. While that eluded us, we recognize that the review process as a whole, in both the Geneva and New York tracks, has achieved some improvements in the work and functioning of the Council. The Geneva outcomes include improvements to the universal periodic review process and aligning the Council's cycle with the calendar year, as well as ensuring improved access to Council meetings for people with disabilities. We also welcome the fact that the principle of a future review of the Council's status has been agreed.

In spite of these positive achievements, we are disappointed that our modest ambitions for the review did not translate into more tangible improvements. Iceland, New Zealand, Norway and Switzerland have consistently advocated that recommendations by the Council to the General Assembly should be considered individually and on their merits. We are disappointed that such a clarification of the current ad hoc arrangements could not be included in the text of resolution 65/281. We should strive to make the work of the Council and its parent body, the Assembly, as transparent and accountable as possible. By adopting the Council's recommendations collectively, we fail to make clear which ones we support, which we oppose and why we hold those positions. For that reason, we have been forced in the past to abstain on reports from the Human Rights Council, despite strong support for its work.

We are also disappointed that the Assembly was unable to agree on a long-term funding mechanism for unforeseen and extraordinary expenses arising from urgent decisions taken by the Council. At present, urgent decisions are sometimes funded by using funds from the Office of the High Commissioner for Human Rights that have been allocated for other tasks. This could potentially undermine the work of the Council and of the Office of the High Commissioner.

While this review has had a modest outcome in spite of the time and effort invested, we recognize that the Human Rights Council is increasingly acting in a timely and decisive manner and is making good decisions for the promotion and protection of human rights.

Mr. Gálvez (Chile) (*spoke in Spanish*): First of all, Sir, Chile would like to thank you as President of the General Assembly for implementing the provisions of resolution 60/251, including the five-year review of the Human Rights Council. We also wish to commend the co-facilitators of the review process — namely, Ambassador Christian Wenaweser, Permanent Representative of Liechtenstein, and Ambassador Mohammed Loulichki, Permanent Representative of Morocco — as well as their respective teams for their efforts to carry out the process successfully.

Chile associates itself with the statement to be delivered by the representative of Maldives on behalf of the cross-regional group, of which Chile is a member.

Chile participated actively from the start of the review process, in the sincere desire to reach compromise among the general membership in order to help strengthen the Human Rights Council within the framework established by resolution 60/251. Although resolution 65/281 was put to the vote, it is obvious that there was broad consensus on it.

From the outset, Chile has spoken in favour of the need to conduct a second review, on the status of the Human Rights Council. The formula set out in paragraph 3 of resolution 65/281 is a good compromise. Chile would like to reiterate its position that the Council should be a principal organ of the United Nations and hopes that the time will come when one of the Organization's three pillars — human rights — will be the subject of a principal organ, just as the other two pillars are.

Chile recognizes the progress reflected in paragraph 6, namely, that the President of the Council will present the Council's annual report. With regard to paragraph 9, Chile hopes that the recommendations and options submitted by the Secretary-General, and the decisions taken by the General Assembly through the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions, will make it possible to assign and provide appropriate funding on an urgent basis as necessary to provide for the cost of the resolutions and decisions involved in human rights crisis situations.

Mr. Heller (Mexico) (*spoke in Spanish*): In 2005, the international community recognized that there was a need to improve the way human rights were addressed by establishing a new body designed to strengthen the efforts of the United Nations to promote and protect human rights around the world, which would replace the previous Commission. Since 2006 the Human Rights Council has been carrying out its important mandate, and it continues to work and to broaden its efforts to make a genuine impact on millions of people's lives.

Mexico has always understood that the purpose of the review process was not to renew or modify the Council's mandate, but rather to strengthen its functioning and introduce some changes needed to harmonize relationships between it and the General Assembly. Equally significant was the goal of adopting resolution 65/281 by consensus, given the important political message it conveyed for the cause of human rights.

Throughout the review process, Mexico consistently encouraged proposals and ideas that would bring all States' positions closer together. We believe that the text presented by the President of the Assembly comes as close as possible to consensus, or the greatest possible degree of agreement. We also commend the work done by the Permanent Representatives of Liechtenstein and Morocco as the co-facilitators of the review process at Headquarters.

We would have liked some issues to have been reflected differently, in particular in paragraph 6, so that the Council's report would be submitted exclusively to the plenary of the General Assembly. However, we understand that progress was made in that the President of the Council would present the Council's report in that very capacity. An interactive dialogue between the President of the Council and the Third Committee could certainly help to improve coordination between the two bodies.

We should not forget that the strengthening of the Council is an ongoing process that occurs when delegations find new forms of understanding, when concrete results on a wide range of issues are achieved and when a dialogue that respects differences takes place among all States, but with an unwavering commitment to promoting and protecting human rights

in all regions of the world. We know well that this is essential in the current international circumstances. Mexico will continue to work with all States to achieve that goal.

Mr. Perazza (Uruguay) (*spoke in Spanish*): Uruguay voted in favour of resolution 65/281, entitled "Review of the Human Rights Council", as proof of my country's support, from the very beginning, for the important work done by the Council in the promotion and protection of human rights, one of the three fundamental pillars of the United Nations system. My delegation wishes to express its appreciation for the work of the two co-facilitators in that process.

We participated actively and constructively in the negotiations, while reaffirming the important work of the Human Rights Council, proposing alternative formulas for those points on which there were differences and adapting our initial positions on areas of great importance to our country in order to reach a consensus. Uruguay hoped that the resolution we have just adopted would have established elements and proposals that would have even further strengthened the work of the Human Rights Council within the multilateral system. In that regard, it seems to us beneficial to underscore that paragraph 3 envisages the possibility of carrying out a new review of the Council's status in the next 10 years.

During the negotiations, we noted that not all proposals showed the same degree of flexibility in seeking compromise formulas. As has been made clear on many occasions, Uruguay originally advocated the establishment of the Council as a principal organ within the structure of United Nations. Uruguay always maintained that position throughout the negotiations. Nevertheless, we understood that the conditions to enhance the status of the Council did not yet exist. We therefore adapted our initial position and accepted the present status of the Council as a subsidiary body of the General Assembly.

My delegation expresses its deep concern about the fact that no agreement was reached on paragraph 6. We would have preferred that the report and the recommendations of the Council be considered exclusively in the plenary of the General Assembly. We have set out our reasons for that position on many occasions. My delegation regrets that instead of having worked on a compromise formula in the negotiations, we opted for one of the two proposed positions on that issue.

In our delegation's view, the current wording of paragraph 6 changes the original addressee of the report to be submitted by the Council — the General Assembly — as provided for in subparagraph 5 (j) of resolution 60/251. We also understand that the wording of paragraph 6 of the text institutionalizes a decision of the General Committee that was never intended to establish a precedent and that in no way can be considered a reinterpretation of resolution 60/251.

Finally, having voted in favour of resolution 65/281, my delegation will continue to support the work of the Human Rights Council in order to ultimately enhance its importance within the structure of the Organization.

Mr. Goddard (Barbados): I have the honour to speak today on behalf of the States members of the Caribbean Community (CARICOM).

At the outset, CARICOM would like to acknowledge the efforts of the co-facilitators of the New York chapter of the review of the Human Rights Council — the Permanent Representatives of Morocco and Liechtenstein — for their skilful guidance and leadership throughout the process.

CARICOM countries, the majority of which are not represented in Geneva, have welcomed the opportunity to contribute to the discussions on the review of the status of the Council in New York. To that end, we have engaged constructively in the discussions on that mandated review. We have also continuously stressed the importance of concluding that process through the adoption of the outcome by consensus.

We are aware that resolution 65/281 is the result of intense negotiations over the course of a few months. Nevertheless, we would like to underscore the importance of broad, open and transparent negotiations to allow for a full discussion among Member States, as is customary in multilateral processes.

As has been expressed by other speakers, CARICOM had an interest in other elements that have unfortunately not been reflected in the text that has been adopted today. Notwithstanding that position, in the interests of flexibility and compromise CARICOM accepted the text provided by the President in document A/65/L.78*.

Although CARICOM is of the view that the recently established Council has executed its mandate relatively well as a subsidiary organ and that any future exercise of the review should focus on the remaining challenges for the Council to optimize its functioning, we agreed to lend our support to the idea of a future review on whether to maintain the status, to be held at an appropriate moment but no sooner than 10 years and no later than 15 years from the adoption of resolution 65/281.

Furthermore, CARICOM is pleased to note that, with the adoption of this resolution, the General Assembly would institutionalize the ad hoc arrangements that have been in place since the establishment of the Council relating to the allocation of the agenda item both to the plenary of the General Assembly and to the Third Committee. The additional interactive dialogue with the President of the Council in the Third Committee will provide an opportunity to all Member States, in particular those with limited or no representation in Geneva, to meaningfully participate in the debate regarding the work of the Council.

As the Human Rights Council forges ahead, we must build on the positive experiences of the past years and ensure that it continues to execute its mandate, duly taking into account the principles of universality, objectivity and non-selectivity in the consideration of human rights issues, as well as the elimination of double standards, as enshrined in resolution 60/251, which established it. CARICOM countries reiterate their unwavering commitment to the promotion and protection of all human rights for all. We pledge to continue to follow the work of the Council to the best of our abilities.

In conclusion, CARICOM regrets that it was necessary to adopt resolution 65/281 by a vote.

Mr. Ulibarri (Costa Rica) (*spoke in Spanish*): My delegation aligns itself with the statement to be made shortly by the Permanent Representative of Maldives on behalf of the cross-regional group of like-minded States.

Costa Rica voted for resolution 65/281 as a sign of support for the vital work of the Human Rights Council in the promotion and protection of human rights and in support of a process of improvements that should be continuous. Five years since its establishment, the Council has made progress in using the various tools available to it so as to have a real impact on the promotion and protection of human rights in the world.

Together with a broad group of countries, Costa Rica has been strongly committed to the review process. We have worked constructively by submitting various proposals seeking a consensus that would help improve the work and the effectiveness of the Council in both Geneva and New York. We thank the co-facilitators of the New York chapter for their firm commitment to that process and for the constructive way in which the negotiations took place with a view to our coming as close as possible to consensus.

The text we have adopted contains some positive elements, but the changes that have been introduced fall far short of bringing about substantial changes in the Council. In that regard, we still have significant debts towards the billions of human beings throughout the world whose rights and dignity are the raison d'être of the Council.

In the interests of time, I will mention only one aspiration of my country that is shared with others and is not reflected in the text. I refer to explicitly establishing that the Human Rights Council's report mentioned in paragraph 6 be presented only to the plenary of the General Assembly. Such a solution would have been more in keeping with subparagraph 5 (j) of resolution 60/251, in accordance with which the Council submits its report to the Assembly, as well as with the actual text of the rest of paragraph 6 of the resolution that we adopted today.

Paragraph 6 reiterates the agreement in decision 65/503, in that the Assembly will meet in plenary meeting to consider the annual report of the Council on the year's activities and that the Third Committee will consider all recommendations of the Human Rights Council. It would therefore have been most logical and consistent for the report to be presented only to the plenary. That would thus have been explicitly established.

In any case, my delegation believes that there should be a clear distinction between submitting the report, its presentation and its review or consideration. For Costa Rica, the most important thing is that, as a result of an agreement on this issue, it has been reiterated that the review or consideration of the report will take place in the plenary. We hope that all States will honour that compromise solution, and that we will

act accordingly at the next session of the General Assembly.

Allow me to reiterate to you, Mr. President, and to all Member States my country's commitment to an ongoing dialogue with a view to continuing to seek mechanisms that would allow the Council to respond more effectively to the challenges that we face in promoting and protecting human rights. We are also committed to working seriously within the Council so as to cooperate effectively on its tasks.

Mr. Rutilo (Argentina) (*spoke in Spanish*): Argentina wishes to express its gratitude to you, Mr. President, as well as to the co-facilitators for the review of the Human Rights Council — the Permanent Representatives of Liechtenstein and Morocco — for the presentation of resolution 65/281, which we have just adopted. The co-facilitators led the negotiations in an inclusive, open and transparent way and in constant consultation with all States. We participated in that process with the clear purpose always in mind of strengthening the most important body in the universal system for the promotion and protection of human rights.

My delegation wishes to take this opportunity to reiterate its hope that the Council becomes a principal organ, in accordance with the fundamental position of human rights in the United Nations system. We welcome keeping open the possibility of discussing this issue in the future.

At the same time, while we would have preferred that both the Council's report and its recommendations be assigned to the plenary, we understand that reaffirming the agreement of the General Committee contained in decision 65/503 institutionalizes the practice by which the former will be considered by the plenary and the latter by the Third Committee.

Finally, we believe it imperative that the Human Rights Council has adequate funding in order to meet unforeseen and extraordinary expenses arising from its resolutions and decisions, and that such considerations guide both the proposals of the Secretary-General requested in paragraph 9 and the discussions of Member States in corresponding areas.

Mr. Sammis (United States of America): In Geneva and New York, the United States has repeatedly urged our fellow members to join us in conducting a thorough and comprehensive review of the Human Rights Council that would significantly improve its ability to meet its core mission, namely, promoting and protecting human rights.

Unfortunately, the Geneva process failed to yield even minimally positive results, forcing us to dissociate ourselves from the outcome. We appreciate the work that the co-facilitators have done in New York over the past months, but the final resolution 65/281 also fails to address the core problems that still plague the Human Rights Council. We deeply regret that this opportunity has been missed. The United States therefore voted no on the resolution.

In recent weeks, the Council has had many significant achievements, including a historic resolution highlighting the human rights abuses faced by lesbian, gay, bisexual and transgender persons around the world, a special session on Syria, the commission of inquiry in Libya and the historic creation of a Special Rapporteur to investigate human rights violations in Iran. However, the Council's effectiveness and legitimacy will always be compromised as long as one country in the world is unfairly and uniquely singled out, while others, including chronic human rights abusers, escape scrutiny.

The gravest of the Council's structural problems remains its politicized standing agenda item 7, on Israel. During this review, no Member State has been able to explain how item 7 is consistent with the principles clearly outlined in resolution 60/251, which established the Human Rights Council, namely, impartiality, non-selectiveness and balance. This review should have eliminated this unfair and unbalanced agenda item and instead ensured that all Member States, including Israel, are treated on an equal and impartial basis. The review is over, but this struggle is not. My Government will continue to fight to remove this item and the biased and unfair resolutions that flow from it.

This review also failed to tackle another fundamental issue, namely, Council membership. The Council discredits, dishonours and diminishes itself when the worst violators of human rights have a seat at its table. During the review in New York, the United States put forward a proposal to ensure that General Assembly members have real choices in Human Rights Council elections, by calling on all regional groups, including our own, to run competitive slates. This was

rejected out of hand. We were also dismayed that another much more modest proposal, which simply called on candidate States to hold an interactive dialogue about their human rights records with Member States and civil society groups, was also blocked.

These failures to address the critical problem of membership do a serious disservice to the Council and to the brave men and women around the world standing up for their universal rights. Let there be no doubt: membership on the Human Rights Council should be earned through respect for human rights, not accorded to those who abuse them.

When the United States ran for a seat on the Council in 2009, we made clear that we did so precisely to strengthen the Council from within, through direct and sustained engagement. That is what we have done and that is what we will continue to do. Sadly, today's resolution marks a major missed opportunity for the Council to right historic wrongs. The resolution we voted on today does nothing to address the Council's failures or move it any closer to the founding values of the United Nations Charter and the Universal Declaration of Human Rights.

The United States remains firmly committed to working to reform the Human Rights Council and change it for the better. We will continue to work with fellow Member States, session by session and resolution by resolution, to advance respect for the rights we hold dear. But we will not acquiesce in perpetuating a failed status quo that we all know leaves this institution performing well below its potential. At a time when people around the world are risking their lives for freedom in dramatic numbers and especially dangerous circumstances, those who share a commitment to the universal rights of all men and women can do no less.

At the same time, we hope that one day soon we will be able to act together to redress the fundamental flaws of the Council and fulfil its commitment to promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.

Mr. Lukiyantsev (Russian Federation) (*spoke in Russian*): Because I will be speaking on behalf of the cross-regional group, I will deliver my statement in English.

(*spoke in English*)

In keeping with the constant appeal of the two co-facilitators — Ambassadors Loulichki of Morocco and Wenaweser of Liechtenstein — to be focused and to the point and not to repeat well-known positions, I will attempt to do just that.

I have the honour to take the floor on behalf of the cross-regional group of States that consists of Algeria, Belarus, Bolivia, China, Cuba, Iran, Nicaragua, Pakistan, Syria, Venezuela, Viet Nam, Yemen and my own country, the Russian Federation.

The cross-regional group is pleased to support resolution 65/281. We pay tribute to all delegations that engaged constructively in the negotiation process that led to the adoption of this important text. Today's outcome would not have been possible without the dedication, professionalism, hard work, diplomatic skills and tireless efforts of the two co-facilitators. Given the difficult circumstances of the exercise and the extremely divergent views and positions of the various delegations and groups, the task before them seemed at times to be impossible to accomplish; yet they succeeded. We are truly grateful to them. Our words of gratitude equally extend to those who assisted the co-facilitators, both from their missions and from the Office of the President of the General Assembly.

From the very beginning the cross-regional group was committed to reaching a consensus outcome on this very important issue, and we were confident that such a result was not only desirable but possible. We were a responsible negotiating party. At the request of the co-facilitators, we engaged throughout the process in consultations with other partners in a serious and genuine effort aimed at bridging the existing gaps and consolidating certain key positions.

We are therefore truly satisfied that certain very important provisions of the text just adopted are based on the language and approach of the cross-regional group and our negotiating partners. Unfortunately, not all of our proposals were reflected in the final text, although all our suggestions were made in good faith. As a responsible negotiating party, the group demonstrated flexibility and readiness to compromise. Finally, we have always stressed that a potential consensus outcome was possible only if the text reflected proposals of a non-confrontational nature to which no significant group objected.

Given the comments by certain delegations criticizing the resolution just adopted, and specifically referring to elements not included in the text, the cross-regional group would like to state the following.

Our group, like others, would have preferred to have certain ideas reflected in the documents submitted by the co-facilitators. In the end, in the spirit of compromise, we made the decision not to insist on them, although all of them were based on the mandate of the review as outlined in resolution 60/251. That is not true, however, of proposals by some delegations and groups on the so-called membership issues. The same goes for ideas on "operationalizing" the provisions of resolution 60/251 dealing with the presentation of voluntary pledges and commitments.

The importance of the resolution just adopted can hardly be overestimated. We believe that it will undoubtedly contribute to the effective functioning of the Human Rights Council and the entire United Nations human rights machinery. We are equally confident that the text will serve the aim of strengthening the purpose of the Council as a forum for maintaining a constructive dialogue among States and other interested parties based on mutual respect, objectivity and impartiality. Human rights should be a unifying factor in international relations, and not something that is used to fuel confrontation and satisfy political considerations.

Mr. Diallo (Senegal) (*spoke in French*): I have the honour to speak on behalf of the Group of African States.

Despite the strong contentions continually voiced about some substantive issues, the African Group voted in favour of resolution 65/281, on the review of the Human Rights Council. We did so to demonstrate our commitment to that important subsidiary body of the General Assembly. By voting in favour, we also wanted to reiterate our strong support for the work of the Council in implementing its mandate as set out in resolution 60/251. Nonetheless, we cannot but deplore the lack of consensus about the text we have just adopted. We also regret that no reference was made to resolution 62/219, which approved the institutional measures of the Council.

Since we have just decided that the Council must maintain its status as a subsidiary body, our Group believes, first, that the Council, like the other subsidiary bodies of the General Assembly, should present its report to the appropriate Main Committee. In that regard, the annual report of the Council should be taken up by the Third Committee.

Secondly, all of the financial implications stemming from the decisions and resolutions of the Council, including unforeseen expenses, should be examined by the Fifth Committee, in keeping with the relevant rules of procedure.

Finally, the annual report of the President of the Human Rights Council should also cover the September session. We believe that the decision to align the mandates of the members, as well as the timing of reports in the next year, could significantly contribute to strengthening the effectiveness of the Council's work. Despite the omission of some of our priorities, including several proposals made by the African Group in Geneva during the discussion on the document, we would like to reaffirm our endorsement of the work of the Geneva group on the document entitled, "Outcome of the review of the work and functioning of the Human Rights Council".

In conclusion, I would like to sincerely thank and congratulate the co-facilitators of the review process, namely, Ambassador Mohammed Loulichki of Morocco and Ambassador Christian Wenaweser of Liechtenstein. Their efforts significantly contributed to the drafting of the text that we have just adopted.

Mr. Morrill (Canada): Canada believes that resolution 65/281 does not adequately address issues that we believe are truly important to improving the work and functioning of the Human Rights Council. In particular, the current resolution and the Geneva outcome that it incorporates do nothing to improve upon the Council's ability to address urgent situations, universal periodic review implementation by Member States or cooperation of States with special procedures. Nor does it take any steps towards improving the Council's membership. Throughout the New York portion of the review, Canada clearly stated that any review of the Council's status must include a reflection on those elements relevant to the Council's status at the time of its establishment, including its composition and criteria for membership.

Because membership on the Council remains limited, it is all the more important that those who serve on the Council live up to the criteria set out in resolution 60/251. That is why, throughout this review process, Canada advocated for the inclusion of

measures intended to better illustrate the efforts of candidates to meet the membership criteria set out in resolution 60/251, namely, the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto as well as the need for Council members to uphold the highest standards in the promotion and protection of human rights and to fully cooperate with the Council.

Canada is disappointed that despite cross-regional support from a number of countries, the resolution contains no reference to the holding of an interactive dialogue among candidates and Member States and civil society, the inclusion of measurable commitments such as clear responses to special procedure requests to visit, or follow-up reports by candidates on the implementation of their pledges and commitments.

As for the results of this review process more generally, Canada once more raises its concern for the Council's disproportionate focus on the situation in the Middle East. We had hoped that this review would result in the elimination of item 7 from the Council's agenda; but sadly, that did not happen.

As we stated during our intervention in Geneva at the Open-ended Intergovernmental Working Group, Canada believes that agenda item 7 undermines the Human Rights Council's goal of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and the elimination of double-standards and politicization. Canada has concerns about the increasingly unbalanced language found in resolutions actioned under agenda item 7. In particular, some of the language in those resolutions continues to be divisive, at a time when the goal should be to bring the parties back to negotiations. Canada will continue to encourage the Assembly to focus its attention on assisting the parties in their efforts towards a comprehensive, negotiated two-State solution to the Israel-Palestine conflict, rather than contribute to their further polarization.

For all of those reasons, Canada voted no on the resolution.

Mr. Mohamed (Maldives): I take the floor on behalf of the cross-regional group of 16 countries composed of Albania, Bosnia and Herzegovina, Chile, Croatia, Costa Rica, Guatemala, Iceland, the former Yugoslav Republic of Macedonia, Maldives, Mexico, Montenegro, New Zealand, Norway, Peru, Serbia and Switzerland.

Let me begin by first thanking the Permanent Representatives of Morocco and Liechtenstein for their concerted efforts to encourage consensus amid the myriad concerns and views put forward during the review. Our group came together in an effort to reconcile the different views; we regret that our efforts did not result in a widely supported solution.

The countries represented in our group all voted in favour of resolution 65/281. However, we are disappointed that we could not achieve consensus on addressing the underrepresentation of small and developing States on the Council through an inclusive and equitable platform for candidate presentations of their voluntary pledges and commitments to the promotion and protection of human rights. Our priority to constructively contribute to the consensus-building effort continues to guide our actions, including our decision to join the wider membership today in support of the resolution.

The Human Rights Council plays a central role in the promotion and protection of human rights. We will continue to actively support the work of the Council.

Mr. Quinlan (Australia): Australia would like to again thank the President of the Human Rights Council for his own unwavering commitment to the Council's review and for his guidance through what was a very difficult process. We also again thank the review co-facilitators, Ambassadors Loulichki and Wenaweser, for their indefatigable efforts and the contributions they personally made throughout the process.

Australia voted to support resolution 65/281. From the outset, we welcomed the review process and we joined others in seeking genuine improvements to enable the Council to better carry out its substantial mandate. The Council should, of course, be one of the most translucent pillars of the United Nations system. But we have been disappointed by the inability of the review working group to overcome the divisions among Member States on certain issues.

The outcome's document does not really do justice to the many hundreds of good suggestions for positive change, nor to the time and effort that members of the review working group put into the review process. We are also disappointed by the retention of item 7 on the Council's standing agenda.

There are other important issues that we would have liked to have seen addressed, such as resolving to use all of the tools at the Council's disposal to address the most serious, urgent or emerging situations of human rights violations, wherever they occur; increasing the participation of national human rights institutions and non-governmental organizations across the Council's work programme, including the universal periodic review process and by better using their expertise in panel discussions, briefing sessions and interactive dialogues; and holding members of the Council to the highest standards of human rights promotion and protection, including by ensuring their full cooperation with the Council's special procedures. The document does not respond to these calls, and we think that this is a missed opportunity to make real improvements to the Council.

Notwithstanding those misgivings, Australia of course remains a very strong supporter of the Human Rights Council. For that reason, we decided to vote in favour of the resolution.

Mr. Ruiz (Colombia) (*spoke in Spanish*): Colombia attaches great importance to the Human Rights Council in its capacity as the highest body for defending and protecting human rights within the United Nations system. Colombia greatly values the progress made by the Council during the first stage of its functioning, including the implementation of the universal periodic review.

Colombia regrets that, despite the dedication and determination of the co-facilitators, we have put in question the status of the Human Rights Council as a subsidiary organ to the General Assembly by establishing a rule, in accordance with the status quo, that the Council must also report to the Third Committee. Resolution 65/281, which has just been adopted, also contains a clear contradiction between what it established in paragraph 3 and what is agreed in paragraph 6.

Nevertheless, Colombia supported the adoption of resolution 65/281 and voted in favour of it. We did so because we believe that the new phase that is beginning thanks to the Human Rights Council review process and the upcoming cycle of the universal periodic review present a valuable opportunity to put greater emphasis on cooperation and technical assistance, so as to recognize the progress achieved by all countries in implementing their international obligations in this area in the framework of an open and respectful dialogue on all human rights issues.

Mr. Kodama (Japan): My delegation would like to thank the two co-facilitators, the Permanent Representatives of Morocco and Liechtenstein, for their steadfast and indomitable efforts in guiding the review process of the Human Rights Council in order to reach a consensual resolution if at all possible. The General Assembly has today adopted resolution 65/281, although not by consensus. My delegation nevertheless believes that this would not have been possible without their invaluable contributions.

The Japanese Government has made great efforts to strengthen the work and the functioning of the Human Rights Council since its establishment, in 2006. For this reason, we place particular importance on this review of the Council in the General Assembly and have participated actively in the negotiations. As a result of difficult negotiations, an outcome was reached that contained a few improvements to the Council, although not all we had hoped for. It was from this viewpoint that my delegation voted in favour of the resolution.

Through the active participation of its membership since its establishment, the Council has accumulated various practices to enhance its effectiveness. We expected that the Council would undergo a review based on those experiences and that, at such a time, we could agree to concrete and practical measures, including the improvement of the election process, with the ultimate goal of strengthening the implementation of resolution 60/251, which established the Council. However, we are disappointed that we could not agree to such an outcome. For example, although Japan expected a substantial review to be conducted again some time in the near future, we find it regrettable that the wording of the resolution adopted, which provides for a future review, is ambiguous.

On the other hand, some of the problems that the Council has faced since its establishment were addressed by this review process in New York. For example, an appropriate way to align the Council's work with its membership and the reporting cycle was agreed to. With regard to the financial issue, the resolution requests the Secretary-General to present a report with options for the Fifth Committee to consider ways to implement urgent mandates decided by the

Council. For our part, Japan will contribute to the discussion in the Fifth Committee by trying to find a flexible way to overcome the current difficulties while respecting the existing budget framework.

The Human Rights Council was established in order to strengthen the linkages between peace and security, development and human rights as the three pillars of the United Nations and to achieve the mainstreaming of human rights, that is, to integrate a human rights perspective into all the activities of the United Nations. We believe now, as we believed then, that it strengthens all the functions of the United Nations as a whole. We must not forget this original aspiration of the Council, as it was expressed here in New York at its establishment.

In the future, it should be possible to review again the work and functioning of the Council in order to achieve that goal. If the Member States agree, therefore, we hope that the Council itself will continue to review its own work, and that the General Assembly would review it as well in the near future.

Mr. Noziri (Tajikistan): I take the floor on behalf of the member States of the Organization of the Islamic Conference (OIC), in Tajikistan's capacity as Chair of the OIC Group, in explanation of vote after the voting on resolution 65/281, entitled "Review of the Human Rights Council".

At the outset, I would like to express our sincere appreciation to the Permanent Representative of Morocco and the Permanent Representative of Liechtenstein for their enormous efforts to build consensus among the different positions during the review process in their capacity as co-facilitators of the review of the status of the Human Rights Council in New York. I would also like to express our sincere appreciation to all our partners in the various groups for their cooperative and constructive approach.

The OIC member States voted in favour of the resolution despite their disappointment that it does not reflect all of the Group's priorities and concerns. The OIC Group has tried hard to reach consensus on the outcome document of the Human Rights Council review by engaging constructively and positively in the review process and showing a lot of flexibility and compromise.

The Group is disappointed that the same constructive approach was not displayed by some other members, forcing a vote on a text that could have been adopted without one. We regret that, despite the compromises made by all members on the resolution, consensus was not achieved and we had to vote on the resolution.

The OIC Group supported the resolution to reaffirm its commitment to the work of the Human Rights Council as one of the subsidiary bodies of the General Assembly and to reiterate its support to the efforts of the Council in carrying out its mandate, contained in resolution 60/251.

The OIC Group supported the resolution despite the fact that it falls short of reaffirming important principles pertaining to the status of the Council as a subsidiary body of the General Assembly. The resolution has ignored the Council's efforts to improve its functioning and work by omitting references to resolution 62/219, which endorses the institution-building package of the Council. The systematic omission of references to such an important resolution in the operative part of this document only serves the attempts to institutionalize the Council as a principal organ without taking the necessary de jure steps to legally establish such a status.

As the General Assembly has decided to maintain the status of the Council as one of its subsidiary organs, the Group reaffirms the following positions and understandings.

In practice, the Council is not to be accorded preferential treatment as compared with all other subsidiary organs of the General Assembly, which present their reports to the concerned Main Committee. The Council's annual report shall therefore be considered by the Third Committee, as the main technical body of the General Assembly mandated to consider all human rights issues.

All financial implications emanating from all resolutions and decisions of the Council, including any unforeseen expenses, will be considered by the Fifth Committee in accordance with the rules of procedure. The possible alternatives for providing for such expenses will take into account the endorsed recommendations and conclusions of the Advisory Committee on Administrative and Budgetary Questions, in particular the provision for such expenses in the regular budget.

The Group considers that the current arrangements for the alignment of the membership and reporting cycles do not provide for an effective way of dealing with the reporting problem, and that the President of the Human Rights Council, in accordance with such arrangements, will be presenting a report that may not account for all activities of the Council during his or her presidency.

Finally, the Group reiterates that it has supported the adoption of the report of the Council on the review of its functioning and work, as contained in the document entitled "Outcome of the review and functioning of the Human Rights Council", despite the fact that it does not reflect the main priorities for the member States of the Group, including on the relationship between the Council and the Office of the United Nations High Commissioner for Human Rights and special mechanisms and procedures, among other things.

Despite the considerations I have mentioned, the member States of the Group voted in favour of the resolution in order to ensure that the General Assembly sends a constructive message of encouragement and recognition to the Council.

Mr. Butt (Pakistan): Pakistan aligns itself with the statement just delivered by the representative of Tajikistan on behalf of the members of the Organization of the Islamic Conference Group, as well as with the statement delivered earlier by the representative of Maldives on behalf of the cross-regional group.

We welcome the adoption of the important resolution 65/281, which reaffirms the confidence of the wider United Nations membership in the mandate, work and functioning of the Human Rights Council. We believe that the Council's ongoing work of promoting and protecting all human rights for all in an impartial, objective and non-selective manner will be strengthened by the adoption of this resolution.

Today's resolution expresses the collective desire of virtually the entire membership that the Human Rights Council, being an important body dealing with human rights issues, should have the status of a subsidiary body of the General Assembly.

We have also fixed some technical issues pertaining to the Council — such as reporting, the membership cycle and financial aspects — that will help to enhance the Council's work and functioning. Most important, we have been able to extend almost universal support and adopt the outcome of the Geneva chapter of the review, which demonstrates the satisfaction of the membership with the Council's agenda, work and performance.

We regret the call for a vote on this balanced and important text, which was made purely on political grounds. Nevertheless, we also hope that this political bickering will be put to rest today and that all of us will be able to work collectively to implement what we have agreed to as a whole.

Much has been said about the contents of the text that has been adopted. We acknowledge and respect the diversity of views, which is a reality. But we also agree on certain universal fundamentals. Pakistan therefore believes that everyone in the Hall stands to gain from the text that we have adopted today.

In our view, the co-facilitators have done a wonderful job in presenting a text that broadly reflects the views of the overwhelming majority of the United Nations membership. We would like to recognize and put on record our appreciation for their tireless efforts and outstanding work in guiding the review process and producing a balanced and strong text on the review of the status of the Human Rights Council.

Lastly, Pakistan would also like to recognize the constructive spirit that prevailed throughout the negotiations on the resolution. We extend our appreciation to all Member States that, despite their strong positions on various aspects of the review, were willing to make compromises with the sole aim of sending a unified and strong message of support for the work and mandate of the Council. Pakistan is proud to be a part of that process and will continue to do its best to further this spirit of compromise and the decent exchange of views in other areas of our work in this body.

Mr. De Séllos (Brazil): Brazil voted in full support of resolution 65/281, which was submitted by you, Sir, and wishes to commend the remarkable work of the co-facilitators. With this vote, Brazil wants to express its full and constant support for the work of the Human Rights Council. Although Brazil is aware of certain limitations in the resolution adopted today, it is convinced that it was the best possible outcome of a process conducted in all good faith.

Mr. Ri Tong Il (Democratic People's Republic of Korea): Let me also join others in expressing appreciation to the Permanent Representatives of Morocco and Liechtenstein as co-facilitators. Although it was, unfortunately, not adopted unanimously, today's text is the result of the hard work of the co-facilitators and the participants. While there were different views, compromises were made and there was a possibility of narrowing the differences.

Concerning the position of the Democratic People's Republic of Korea, we voted in favour. But that does not mean that we are happy with the way that the Human Rights Council is working. Five years ago, a new Council appeared in response to demands for improvement. The old and defunct Commission on Human Rights was full of flaws concerning selectivity, politicization, double standards and discrimination. A new mechanism was indeed established five years ago, but the problems persist.

A few countries are being singled out, targeted and attacked. Looking at the nature of the situation, one could say that it reflects the political purposes of a few different countries. Their handling of their own issues shows that they have the worst human rights records themselves. So there is no justification at all for this.

The Democratic People's Republic of Korea once again reiterates its position that, in the future, we should try to continue to improve the Human Rights Council.

Mr. Wenaweser (Liechtenstein): I would like to thank you, Mr. President, for the trust you have placed in me. It has been a pleasure to work with you and your excellent team. Most important, I would like to thank my colleague and friend Ambassador Loulichki of Morocco for his excellent cooperation in this complex and intense exercise. We have both benefited from the outstanding coordination of our work with our colleagues in Geneva, under the able leadership of the President of the Human Rights Council, Ambassador Sihasak Phuangketkeow of Thailand.

As co-facilitators, we have worked in good faith and in a transparent and inclusive manner to reconcile the diverging views of Member States on the different aspects of the review. Even if the views of Member States seemed far apart for a long time, we have always been able to count on their constructive and active engagement in our discussions. That is indeed an indispensable prerequisite for successful multilateral work.

We defined consensus as one of our main goals in carrying out our mandate. We consistently made it clear that we were working on the understanding that consensus should be the aim of the review exercise, as that would send the important signal that the Human Rights Council as an institution has the backing of the membership notwithstanding all the substantive differences of opinion on human rights issues. Until very late in our negotiations, we were confident that such consensus was within reach. It is therefore disappointing to us that this was not possible in the end, in particular as it was not the result of disagreement on the text that we negotiated here in New York but rather with the outcome adopted quite some time ago in Geneva. Of course, we would have expected such disagreement to be voiced at the appropriate time and place.

We are grateful that States were able to rally behind your text, Mr. President, which, under the circumstances, enjoys the broadest possible political support.

From a more personal perspective, I believe that there is a positive note to the fact that the outcome we have just adopted is a modest one. At least one element of the explanation of the limited scope of this review is that the Council is perceived as becoming better at doing its work. But there is also another side, which has prevented us from making more meaningful changes in the framework of this review, namely, there is a high degree of discomfort in making any changes even of a practical and pragmatic nature and even where they are clearly warranted.

This review was the appropriate opportunity to make a decision on the funding of unforeseen costs arising from special sessions — a decision that we hope the General Assembly can adopt in the fall — and to institutionalize, once and for all, all and not just most aspects of the ways in which the Assembly and the Third Committee consider the report of the Council. Even in these modest goals, we were only partially successful.

Finally, I believe that the membership would benefit from a different way of dealing with candidatures, indeed not just for the Human Rights Council but for other bodies such as the Security

Council and some of the highest offices within the United Nations system.

We did not decide anything within the framework of this review, but perhaps this exercise has planted the seeds of discussions which can continue, ideally in a broader and more channelled context.

Finally, I would like to take this opportunity to express my gratitude to all the delegations that have expressed their appreciation for our work as co-facilitators.

Mr. Loulichki (Morocco) (*spoke in French*): Adopted by near unanimity, resolution 65/281, entitled "Review of the Human Rights Council", is the result of two processes, launched successively in Geneva and New York and completed thanks to sustained efforts on the part of many to ensure that the two chapters were effective and mutually reinforcing. The success of this coordination owes a great deal to the perseverance of Ambassador Sihasak Phuangketkeow, President of the Human Rights Council, who made a personal commitment to creating the best conditions for harmonious and effective interactions between Geneva and New York.

On behalf of Ambassador Christian Wenaweser as well as on my own behalf, I wish to express our gratitude to you, Mr. President, for the confidence you placed in us, for your encouragement and for your decisive action, up to the very last moment before the convening of this meeting, in order to secure the best possible result and establish the best possible conditions for the adoption of this resolution.

We thank all the delegations that participated in our joint efforts for their commitment, flexibility and sense of responsibility, which made possible the progressive modification and finalization of the successive compromises comprising this resolution.

Finally, I would like to express our gratitude to the High Commissioner and Deputy High Commissioner for Human Rights for their availability and their prompt responses to our questions on the technical and organizational aspects of the Council, as well as for their continued invaluable service to ensure the smooth running of the Council.

The process of negotiating this resolution was carried out in such a way as to give an opportunity to all delegations and groups that so wished to participate, negotiate and influence the final result. The co-facilitators worked in good faith, through informal meetings and numerous bilateral exchanges, to take into account everything that was said. The co-facilitators were not able to take into consideration what was not said.

The process was transparent, inclusive and fair to all. It should have led to a consensus result. Consensus was reached and accepted by all of us. It was necessary for the outcome to be consensual, given the importance that we all openly attach to the Human Rights Council and its effectiveness. The momentum towards that goal was unfortunately halted at the last minute. We regret this and we express our frustration at this opposition.

Let us make no mistake: the text of the resolution we have adopted has neither the ambition nor the pretension to resolve the contentious issues postponed at the establishment of the Human Rights Council. Its objective is not to reform the Council, but simply to submit five years of this body's functioning to review, with a view to adopting practical measures aimed at improving its functioning and working methods. Moreover, making such improvements is a work in progress, enriched every day by the best practices of the Council and the sincere resolve of all the members of the Council to work together as partners to protect and promote human rights the world over.

We must recognize that the Council is already showing, through its regular and special sessions and its evaluation mechanisms, that a new culture for the protection of human rights is slowly but surely being established — a culture of cooperation, not confrontation, and accountability, not antagonism.

Human rights are universal. We are all stakeholders in the Human Rights Council, despite its limited composition. It is therefore up to us to embrace the resolution just adopted during its implementation phase so as to make the most out of it and use it as an instrument to build on the achievements of the Council and continuously improve its effectiveness and its impact on the ground.

The President: We have heard the last speaker in explanation of vote after the voting.

I now give the floor to the observer of the European Union, who will make a statement after the adoption of resolution 65/281.

Mr. Serrano (European Union): I speak on behalf of the member States of the European Union.

The review of the Human Rights Council, decided when the Council itself was established, was meant to provide an opportunity for assessing the performance and results of the Council. Today's adoption of the outcome of the review processes, conducted in both Geneva and New York, marks the end of the Council's founding stage.

The European Union would like to express disappointment over the outcome. Almost two years of hard work in Geneva and New York have produced little beyond the confirmation of the Council's existing regulatory framework.

On 24 February in Geneva, the European Union expressed its position regarding the meagre outcome of the review of the Council's work and functioning. We missed an opportunity to increase the Council's capacity to have an impact on the ground and deal with situations of concern and emergency situations. None of the results produced in areas such as the Council's calendar, the system of special procedures or the universal period review represent a meaningful increase in the Council's capacity to take practical action to promote and uphold human rights in a way that has an impact on the ground or enables it to respond more effectively to urgent situations. We also regret that no efforts were made to consider removing agenda item 7 of the Council which, in a discriminatory manner, singles out one particular country situation as a separate standing item.

Throughout the negotiations conducted in New York, the European Union promoted a more effective implementation of certain key provisions of the Council's founding resolution 60/251. In particular, we wanted to ensure that Council members fulfil the requirement to uphold the highest standards in the promotion and protection of human rights, both as a condition for election and in the course of their membership. We also regret that it was impossible to encourage regional groups through the text to present competitive slates for Human Rights Council elections. The European Union will continue to encourage regional groups to do so.

The text just adopted maintains the current status of the Council as a subsidiary body of the General Assembly and approves the Geneva outcome. While the European Union is happy to see that the regular September session of the Council will henceforth be included in the annual report to the General Assembly, we continue to believe that paragraph 6 does not fully recognize and reflect the status of the Council, which is subsidiary only to the General Assembly, and not the Third Committee.

In the light of these shortcomings, the European Union member States decided to support the text just adopted only as it became clear that a better result could not be achieved. The European Union continues to believe that much can and indeed must be done to enable the Council to fulfil the commitments undertaken and to live up to the expectations that the world at large places on it.

The full and earnest commitment of the Council's members to the promotion and protection of human rights is the sole basis for such positive change. The European Union and its members that are elected members of the Council will continue to actively work towards the realization of that objective.

At the same time, the European Union is very pleased to note that the Council is taking a leading role in responding to recent events in the Middle East and elsewhere and has produced a swift and effective response. In particular, the action taken by the Council to address a number of urgent country situations is an example of the Council functioning as it is intended to. The European Union hopes that this positive trend will continue and remains committed to the objective that candidates and members of the Human Rights Council follow the letter and spirit of resolution 60/251 in a responsible and, above all, exemplary manner.

The Human Rights Council is a central component of the United Nations human rights protection system. The special procedures and other instruments and mechanisms of the Council act as its eyes and ears, and thus help the Council to fulfil its tasks. The unique system of treaty-based bodies keeps track of the implementation of human rights norms and standards by States parties to these conventions. Also, the Office of the United Nations High Commissioner for Human Rights has a comprehensive mandate to promote and protect all human rights. The European Union remains committed to the independence and integrity of the Office of the High Commissioner for Human Rights.

Finally, we take this opportunity to extend our sincere thanks to the New York co-facilitators, Ambassador Loulichki of Morocco and Ambassador Wenaweser of Liechtenstein, for all their efforts and,

most of all, the patience shown throughout this process.

The President: I would like to join all participants who have expressed their sincere thanks to His Excellency Mr. Christian Wenaweser, Permanent Representative of Liechtenstein, and to His Excellency Mr. Mohammed Loulichki, Permanent Representative of Morocco, who have so ably and patiently conducted the discussions and complex negotiations in the informal consultations and brought them to a successful conclusion.

I now give the floor to the representative of Saint Vincent and the Grenadines on a point of order.

Mr. Gonsalves (Saint Vincent and the Grenadines): I apologize for taking the floor at this late hour, but I feel compelled to do so on a point of order, and hopefully for some procedural clarification.

When the Caribbean Community (CARICOM) wished to speak earlier on this matter, we were told that the only statements being allowed were explanations of vote after the voting. CARICOM's general statement was therefore converted into an explanation of vote after the voting to accommodate that procedural restriction.

We are all aware that the European Union would not be able to speak after the voting since it has no vote. So speaking after the voting would not be allowable.

You, Mr. President, correctly ended the statements after the voting and then gave the floor to the observer of the European Union to make a general statement not related to the voting, which is precisely what CARICOM was prohibited from doing at the outset. I would like to indicate that I did not interrupt because I was very interested in hearing the European Union statement, given its traditional leading role in matters of human rights.

However, we do have a resolution that governs the manner in which the European Union may interact with the General Assembly (resolution 65/276). While I do not wish to challenge your discretion in this matter, Mr. President, it was clear that the limitations set forth by resolution 65/276 were at the absolute outer limit of what was permitted to the Union in its interactions with the General Assembly.

I would just like to indicate that Saint Vincent and the Grenadines would not like to see this occurrence be used as a precedent whereby Member States are disallowed from making general statements while observer entities are indeed allowed to make the same statements that are unavailable to Member States. I just wanted to place that on the record. I apologize once again for interrupting the meeting.

The President: I take note of the statement by the representative of Saint Vincent and the Grenadines.

I now give the floor to the representative of the Bolivarian Republic of Venezuela on a point of order.

Ms. Méndez Romero (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We do not want to draw out this meeting, but we simply wish to state that the delegation of the Bolivarian Republic of Venezuela supports the comments just made by the representative of Saint Vincent and the Grenadines.

The President: I would now like to conclude by thanking the Assembly for having adopted with a clear vote the resolution that I had the honour to present to it (resolution 65/281). For me, one of the most important goals of the sixty-fifth session of the General Assembly was to carry out the review of the Human Rights Council. I am glad that we could do it the last day before the new members start their work in Geneva next Monday.

The Assembly has thus concluded this stage of its consideration of agenda items 13 and 115.

The meeting rose at 5.40 p.m.